

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wilhelm Amberg, Teresa Barlozzari, Harald Bernard, Ernst Buschmann, Andreas Haupt, Hans-Guenther Hege, Bernd Janssen, Andreas Kling, Helmut Lietz, Kurt Ritter, Martina Ullrich, Jurgen Weymann and Thomas Zierke

Continuation of Application No.: 09/097,184  
Filed: June 12, 1998

Group Art: 1646

Title: ANTINEOPLASTIC PEPTIDES



Date: <u>1-9-01</u>
EXPRESS MAIL LABEL NO. <u>EL552288263US</u>

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☐ Copies of the cited references are enclosed.
- ☒ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. 09/097,184, to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

## Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ the enclosed English language abstract.
- ☐ Applicant requests that the following pending applications be considered:

Examiner's  
Initials

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ]  
Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ]  
Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ]  
Docket No.: [ ]

\_\_\_\_\_  
Examiner\_\_\_\_\_  
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the application, including the current claims.]

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Carolyn S. Elmore  
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Lexington, Massachusetts 02421-4799

Dated: 1/9/00

FORM PTO-1449  
(REV. 7-80)ATTY. DOCKET NO.  
2079.1009-001Continuation of SERIAL NO.  
09/097,184INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION  
January 8, 2001  
(Use several sheets if necessary)APPLICANT  
Wilhelm Amberg, *et al.*

FILING DATE

GROUP  
1646

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	4,816,444	3/28/89	Pettit, <i>et al.</i>	514	17	7/10/87
	AB	5,530,097	6/25/96	Pettit, <i>et al.</i>	530	330	8/1/94
	AC	5,504,191	4/2/96	Pettit, <i>et al.</i>	530	330	8/1/94
	AD	5,502,032	3/26/96	Haupt, <i>et al.</i>	514	17	1/5/94
	AE	5,554,725	09/10/96	Pettit, G.R.	530	330	09/14/94
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL	96/40751	19-DEC-96	WO			
	AM	96/40752	19-DEC-96	WO			
	AN	92/02541	20-FEB-92	WO			
	AO	97/17364	15-MAY-97	WO			
	AP	0 398 558	22-NOV-90	EPO			
	AQ	0 598 129	25-MAY-94	EPO			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Pettit, G.R., <i>et al.</i> , "The Isolation and Structure of a Remarkable Marine Animal Antineoplastic Constituent: Dolastatin 10," <i>J. Am. Chem. Soc.</i> 109:6883-6885 (1987).
	AS	Bai, R., <i>et al.</i> , "Structure-Activity Studies with Chiral Isomers and with Segments of the Antimitotic Marine Peptide Dolastatin 10," <i>Biochemical Pharmacology</i> 40(8):1859-1864 (1990).
	AT	Pettit, G.R., <i>et al.</i> "Antineoplastic Agents. 220. Synthesis of Natural (-)-Dolastatin 15," <i>J. Am. Chem. Soc.</i> 113:6692-6693 (1991).

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	AA2						
	AB2						
	AC2						
	AD2						
	AE2						
	AF2						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL2	93/23424	25-NOV-93	WO			
	AM2						
	AN2						
	AO2						
	AP2						
	AQ2						

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AU	Bai, R., et al., "Dolastatin 15, a potent antimitotic depsipeptide derived from <i>Dolabella auricularia</i> . Interaction with tubulin and effects on cellular microtubules," <i>1-Pharmacology Abstract 117: 103735g pg. 41</i> (1992).
	AV	Pettit, G.R., et al., "Isolation and Structure of the Cytostatic Depsipeptide Dolastatin 13 from the Sea Hare <i>Dolabella auricularia</i> ," <i>J. Am. Chem. Soc. 111(13):5015-5017</i> (1989).
	AW	Pettit, G.R., et al., "Antineoplastic Agents 337. Synthesis of Dolastatin-10 Structural Modifications," <i>Anti-Cancer Drug Design 10:529-544</i> (1995).
	AX	Miyazaki, K., et al., "Synthesis and Antitumor Activity of Novel Dolastatin-10 Analogs," <i>Chem. Pharm. Bull. 43(10):1706-1718</i> (1995).
	AY	Pettit, G.R., et al., "Isolation and Structure of the Cytostatic Linear Depsipeptide Dolastatin 15," <i>J. Org. Chem. 54:6005-6006</i> (1989).

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	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						
	AA3						

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL3						
	AM3						
	AN3						
	AO3						
	AP3						
	AQ3						

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AZ	Pettit, G.R., et al., "The Dolastatins 20. A convenient synthetic route to Dolastatin 15." <i>Tetrahedron</i> 50(42):12097-12108 (1994).
	AR2	Pettit, G.R., et al., "Isolation of Dolastatin 10-15 from the Marine Mollusc <i>Dolabella Auricularia</i> , <i>Tetrahedron</i> 49(42):9151-9170 (1993).
	AS2	
	AT2	

EXAMINER

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